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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/556,002	11/08/2005	Holger R. Scholl	DE 030159	4546
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PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			EXAMINER ALLEN, NICHOLAS E	
			ART UNIT 2169	PAPER NUMBER
			MAIL DATE 02/13/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/556,002

Applicant(s)

SCHOLL ET AL.

Examiner

NICHOLAS E. ALLEN

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2169

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE (3) MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/08/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 November 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Remarks

1. In response to Applicant's preliminary amendment filed on 11/8/05.

Drawings

The drawings are objected to because the labeled rectangular boxes shown in the drawings should be provided with *descriptive text labels*. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification Objections

2. The disclosure is objected to because of the following informalities:

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).

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(k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).

(l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Appropriate correction is required.

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Claim Objections

3. Claims 2-10, and 12 are objected to because of the following informalities: All dependent claims should start with "the" instead of "A". In Claim 11, see page 5 words "in such a way" should be removed from the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 1-9, 11 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Regarding claims 1-9, they are rejected as falling under the judicial exception of an abstract idea which lacks a useful, concrete, and tangible result. A claimed series of

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steps or acts for which there does not appear to be disclosed a result in a useful, concrete, and tangible result are not statutory within the meaning of 35 USC 101. In the instant case, the claims recite, “_[determining]_,” “_[setting]_,” “_[measuring]_,” and “_[selecting]_.” However, no useful, concrete, and tangible result is disclosed in the instant application as originally filed. For example, “writing said data,” “updating said data,” “sending said data” being claimed at the end of the claim may comprise a useful, concrete, and tangible result. Absent such a disclosed result, however, the claims are not statutory.

Regarding claim 11, the claim lacks the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 USC 101. The claims lack the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 USC 101. They are clearly not a series of steps or acts to be a process nor are they a combination of chemical compounds to be a composition of matter. As such, they fail to fall within a statutory category. They are, at best, functional descriptive material *per se*.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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7. Claim 1 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

It appears that the Independent claims are missing semicolons to separate the preamble from the rest of the claims.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-4, 6-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Beattie et al. (U.S. Patent No. 5659742).

10. As to claim 1, Beattie et al. discloses a method of searching for media objects
- in which, in order to establish degrees of correspondence (UG) between a search request (SA) and selectable media objects, at least one feature (i1, d1, d11, d12) of the search request (SA) is compared with at least one feature of the selectable

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media objects (relevance ranking, See Column 13 Lines 34-51; wherein “in order” should be removed),

- in which the search request comprises at least one representation-describing feature (d1) and (See Column 12 Lines 17-26)

- in which a search result based on the degrees of correspondence (UG) is organized (See Column 13 Lines 51-62).

As to claim 2, Beattie et al. discloses a method as claimed in claim 1, characterized in that the search result is sorted on the basis of the degrees of correspondence (UG) (See Column 13 Lines 51-62).

As to claim 3, Beattie et al. discloses a method as claimed in claim 1, characterized in that, in order to establish the degrees of correspondence, at least one representation-describing feature (d1) is resolved into representation-describing detailed features (d11, d12) (Steps 142d and 142e, See Fig. 6B and Column 23 Lines 46-61; wherein “in order” is interpreted to be intended use. It is suggested that it should be removed. See MPEP 2106.01 II.C)

As to claim 4, Beattie et al. discloses a method as claimed in claim 1, characterized in that at least one representation-describing feature (d1) of the search request is extracted from a user input (Step 202, See Fig. 2 and Column 12 Lines 17-27).

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As to claim 6, Beattie et al. discloses a method as claimed in claim 1, characterized in that at least one representation-describing feature (d1) is explicitly described by the user input (Step 202, See Fig. 2 and Column 12 Lines 17-27).

As to claim 7, Beattie et al. discloses a method as claimed in claim 1, characterized in that representation-describing features (d1) are extracted from at least some of the selectable media objects (preferred embodiment, See Column 17 Lines 61-67 and Column 18 Lines 1-2).

As to claim 8, Beattie et al. discloses a method as claimed in claim 1, characterized in that at least some of the selectable media objects are stored, with associated representation-describing features (d1) in a memory facility (SPE1, SPE2, . . . SPEm) (data center 110, See Column 8 Lines 53-56 and Column 9 Lines 15-22).

As to claim 9, Beattie et al. discloses a method as claimed in claim 1, characterized in that the search request (SA) comprises at least one content-describing feature (i1, i2) (subject selecting window, See Fig. 4a and Column 17 Lines 39-44).

As to claim 10, Beattie et al. discloses a method as claimed in claim 1, characterized in that initially, in order to determine degrees of correspondence for selection (AUG) between a search request (SA) and the available media objects (MO1, MO2 . . . MOn), at least one content-describing feature (i1, i2) of the search request

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(SA) is compared with at least one feature of the available media objects (MO1, MO2, . . . MOn), and that the selectable media objects are selected from the available media objects as a function of the degrees of correspondence for selection (AUG) (See Column 13 Lines 34-45).

As to claim 11, Beattie et al. discloses a system (SS) of searching for media objects, with

- a media interface (MS) for access to selectable media objects, (See Fig. 4a and Column 8 Lines 58-59; wherein "for" is interpreted to be intended use and should be replaced with "to". See MPEP 2106.01 II.C)
- a request interface (AS) for receiving a search request from a user, (See Fig. 4a and Column 8 Lines 58-59 ; wherein "in such a way" and "in order" is interpreted to be intended use. It is suggested that it should be removed. See MPEP 2106.01 II.C)
- a comparison device (VE) set up in such a way that, in order to determine degrees of correspondence (UG) between the search request (SA) and selectable media objects, at least one feature of the search request is compared with at least one feature of the selectable media objects, wherein the search request (SA) comprises at least one representation-describing feature (query server, See Column 10 Lines 24-31; wherein in order should be deleted), and
- an organizational device (OE) set up in such a way that a search result based on the degrees of correspondence is organized (session server 114, See Column 10 Lines 24-31).

As to claim 12, Beattie et al. discloses a system (SS) as claimed in claim 11 with an inputting device (EE) for converting a user input into a search request comprising at least one representation-describing feature (PC 104, See Column 12 Lines 15-19; wherein "for" is interpreted to be intended use and should be replaced with "to". See MPEP 2106.01 II.C).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Beattie et al. (U.S. Patent No. 5659742) in view of Nolting (U.S. Patent No. 6718308).

13. The above method teaches all the limitations of claim 4. With respect to independent claim 5, Beattie et al. does not disclose the use of an acoustic device that extracts a feature of the search request from the user's input. However, Nolting teaches the use of an acoustic device that extracts a feature of the search request from the user's input [using an audio device including a voice recognition module that extracts a feature (i.e. keywords) from a user's input (i.e utterances), See Fig. 1 and Column 4 Lines 37-54].

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Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teachings of Beattie et al. to include an audio input device with a voice recognition module to extract a feature pertaining to search request by means of voice analysis as taught by Nolting. This would have allowed to user to create search queries hands free and would reduce errors and time lost caused by typing.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NICHOLAS E. ALLEN whose telephone number is (571)270-3562. The examiner can normally be reached on Monday through Thursday 830-630. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trujillo can be reached on 571-272-3677. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a


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USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/N. E. A./
Examiner, Art Unit 2169
2/7/2008


JAMES K. TRIVILLO
SUPERVISORY PATENT EXAMINER
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